

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

OSCAR HILL, <div style="text-align: right; padding-right: 20px;">Petitioner,</div>)	2:09-cv-0924-RCJ-RJJ
vs.)	ORDER
DOUG GILLESPIE, <i>et al.</i> ,)	
<div style="text-align: right; padding-right: 20px;">Respondents.</div>)	

This is a pro se action for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by Oscar Hill, a Nevada prisoner. On June 8, 2009, the Court ordered petitioner to show cause why his petition should not be dismissed as it appeared that the claims were unexhausted (docket #2). Petitioner was advised that this action would be dismissed unless he complied with the Court's order. The order apparently was delivered to petitioner; it was not returned undelivered. This Court has not received a response from petitioner.

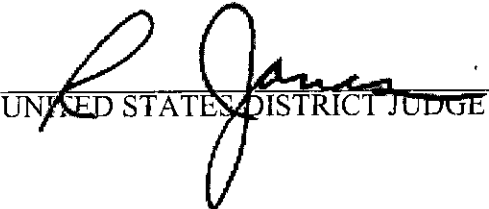
It appears to the Court that the grounds for relief in the petition are currently unexhausted in state court. Petitioner is advised that he must first present his grounds for relief to a state court before a federal court may review the merits of the issues he raises. To exhaust a claim, petitioner must have "fairly presented" that specific claim to the Supreme Court of Nevada. *See Picard v. Conner*, 404 U.S. 270, 275-76 (1971); *Casey v. Moore*, 386 F.3d 896, 916 (9th Cir. 2004). A federal court cannot hear a mixed petition that contains both exhausted and unexhausted claims for habeas corpus relief. *Rose v. Lundy*, 455 U.S. 509, 521-22 (1982).

1 As none of petitioner's claims appear to have been exhausted, and because petitioner failed to
2 respond to this Court's order, the action shall be dismissed without prejudice.

3 **IT IS THEREFORE ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE**.

4 **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly.

5 Dated: This 24 day of May, 2010.

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UNITED STATES DISTRICT JUDGE